

Amendment and Response to Office Action mailed 12/16/2003
Serial No. 10/042,955

Atty Dkt. No. 113937-002

PROPOSED RESPONSE – FOR DISCUSSION PURPOSES ONLY

REMARKS

This Amendment is being filed in response to the Office Action mailed on December 16, 2003. The Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 02-1818. Claims 1-60 are pending in this application and stand rejected. The rejections are summarized in the table that follows this Remark section. Applicants respectfully request reconsideration and allowance of the pending claims in the present application in view of the foregoing amendments and remarks below.

I. Richter does not anticipate the claims

The Examiner has rejected the above-identified claims under 35 U.S.C. § 102(b) as being anticipated by *Richter*. (OA 7) Applicants respectfully traverse this rejection. *Richter* discloses a collapsible bag for use in bag-in-box applications and a process for forming the same. The *Richter* bag has a reinforcing strip 26 formed from material 106 attached to an outer surface of a bag wall by a pair of plates 112 and then grooves are formed in the strip by pressure forming plates 114. The bag wall 20 is formed from at least two layers of material 89 and 88 and upon applying the reinforcing strip forms a layer structure of 89/88/106 (26). The pressure forming plates 114 form longitudinally extending grooves 27 in the strip 106 (See FIG. 4). The grooves are provided to form evacuation pathways in the bag as the bag collapses upon draining. *Richter* does not disclose joining a first non-molten sheet to a second non-molten sheet with a molten material as is recited in all of the claims. Instead, it merely discloses joining three strips of preformed material in a lamination process. There is no disclosure of flowing a molten material between non-molten sheets of material. Thus, *Richter* does not anticipate any of the claims.

II. Aizawa does not anticipate the claims

The Examiner has rejected the above-identified claims in view of *Aizawa*. Applicants respectfully traverse this rejection. *Aizawa* discloses a method for extrusion laminating a base film B with a molten sheet A formed by coextruding layers 10a and 10b. The molten material is embossed while being laminated to the base material (Col. 7, lines 15-35, and FIG. 2). *Aizawa* does not disclose joining a first non-molten sheet to a second non-molten sheet with a molten material, and, therefore, does not anticipate any of the claims. Further, because *Aizawa* discloses

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extrusion coating of a base material with a molten material it teaches away from bringing a first non-molten sheet into alignment with a second non-molten sheet as is required by the claims.

Thus, *Aizawa* does not render the claims obvious.

III. *DellaVecchia* does not anticipate the claims

The Examiner has rejected the above-identified claims as being anticipated in view of *DellaVecchia*. Applicants respectfully traverse this rejection. *DellaVecchia* discloses a method for forming a reinforced, multiple ply, stampable thermoplastic sheet. The method, shown schematically in FIG. 1, has a first extruder 11 with an extrusion die 12 that form a sheet 13 which is then "...embossed by roller 70 of stack 14 so as to form an embossed surface 72 thereon containing a plurality of projections 74." (Col. 2, lines 35-36) A second extruder 16 forms a sheet 15 and embosses a pattern 74 on a single surface of the sheet 15. Sheets 13 and 15 are laminated on opposite sides of a sheet formed by pressing a fibrous mat 23 or two fibrous mats 23 into a molten sheet 20 of polymeric material to form an impregnated mat. The impregnated mat can be formed in a single step process (See FIG. 1) where the impregnated mat is made during the process of laminating the impregnated mat with external layers 13 and 15 as shown in FIG. 1. The impregnated mat 125 can also be made in a separate step from the laminating step as shown in FIG. 5.

In the single-step process, the impregnated mat is formed by pressing a fibrous mat or mats 23 into a molten sheet 20 formed by a third extruder 19. Fibrous mat or mats 23 are pressed into the molten sheet 20 by the sheets 13 and 15 which are pressed against the layered structure by rollers 21a and 21b. The pattern 74 is designed to facilitate pressing the fibrous mat or mats 23 into the molten sheet 20. Thus, the pattern 74 is located internally of the layered structure and is not meant to interfere with forming smooth-surfaced sheets (col. 4 line 46-col. 5 line 3). Accordingly, the final sheet has a layered structure of sheet 13/layered structure 23-20-23 (can have one or two mats 23)/sheet 15 where the external surfaces of sheets 13 and 15 are smooth and not embossed. There is no disclosure in *DellaVecchia* for embossing an external surface of a sheet 13 or 15, and, therefore, *DellaVecchia* does not anticipate the claims. Further, because *DellaVecchia* teaches having smooth external surfaces it teaches away from the claims and cannot render the present claims obvious.

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IV. The combination of *Aizawa* and *DellaVecchia* does not render the claims obvious

The Examiner has rejected the above-identified claims in view of the combination of *Aizawa* and *DellaVecchia*. (OA 12) Applicants respectfully traverse this rejection. Applicants submit these references cannot be combined as they teach away from one another. *Aizawa* discloses forming a pattern on an external portion of a layered structure while *DellaVecchia* discloses only texturing an internal surface of a layer and to leave an external layer without texturing. Thus, these references teach away from one another and cannot be properly combined. However, even if combined this combination does not disclose aligning a first sheet with a second sheet, flowing a molten material between the first and second sheets to join them then embossing an external surface of the first sheet or the second sheet. Thus, even if these references are combined they do not meet all of the limitations of the claims, and, therefore, do not render the claims obvious.

V. The combination of *Richter* and *Aizawa* does not render the claims obvious

The Examiner has rejected the above-identified claims in view of the combination of *Richter* and *Aizawa*. (OA 13) Applicants respectfully traverse this rejection. Applicants submit these references cannot be combined as they teach away from one another. There is no disclosure or motivation within the references to modify the process of *Richter* to replace its preformed strip 106 drawn from roll 104 with the *Aizawa* process of extruding a layer onto a base layer B. Further, there is no likelihood that such a combination would be successful. The strip 106 (26) of *Richter* is not coextensive with the wall 20 as shown in FIG. 4. Thus, the process of *Aizawa*, which extrusion coats a base layer B with a coextensive molten layer A, there is no disclosure in either reference of how to contain a molten strip material to a centrally disposed location as shown in *Richter*. Thus, these references cannot be properly combined and the Examiner has failed to make a prima facie case of obviousness. Further, even if combining these references were proper, they still do not disclose joining a first non-molten sheet to a second non-molten sheet by directing a polymeric molten material therebetween, and, therefore, do not render the claims obvious.

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VI. The combination of *Richter*, *Aizawa*, *Niedospial* and/or *Taunton* does not render the claims obvious

The Examiner has rejected the above-identified claims in view of the combination of *Richter* and *Aizawa* in view of *Niedospial* and/or *Taunton*. (OA 14) Applicants respectfully traverse this rejection. Applicants have addressed why the combination of *Richter* and *Aizawa* is improper and does not meet all the limitations of the claims. Neither *Niedospial* nor *Taunton* render this combination proper, nor, do they disclose the missing limitations if *Richter* and *Aizawa* are combined. Neither *Niedospial* nor *Taunton* disclose joining a first sheet to a second sheet by directing a molten polymeric material between the first and second sheet. Accordingly, this combination of references, if made, do not teach every limitation of the claims, and, therefore, does not render the claims obvious.

VII. The combination of *Richter*, *Aizawa*, *Scholle* and *Cancio*

The Examiner has rejected the above-identified claims in view of the combination of *Richter* and *Aizawa* in view of *Scholle* and *Cancio*. (OA 15) Applicants respectfully traverse this rejection. Applicants have addressed why the combination of *Richter* and *Aizawa* is improper and does not meet all the limitations of the claims. Neither *Scholle* nor *Cancio* render this combination proper, nor, do they disclose the missing limitations if *Richter* and *Aizawa* are combined. Neither *Scholle* nor *Taunton* disclose joining a first sheet to a second sheet by directing a molten polymeric material between the first and second sheet. Accordingly, this combination of references if made do not teach every limitation of the claims, and, therefore, does not render the claims obvious.

VIII. Conclusion

In view of the foregoing, Applicants submit the claims are in condition for allowance and respectfully request an early notice of the same.

Respectfully submitted,
BELL, BOYD & LLOYD LLC

Date: January __, 2004

BY _____
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Claim No.	OA 7 102(b) Richter	OA 8 102(b) Aizawa	OA 9 102(b) DellaVecchia	OA 12 103(a) Aizawa or DellaVecchia	OA 13 Richter + Aizawa	OA 14 Richter + Aizawa + Niedospial and/or Taunton	OA 15 Richter + Aizawa + Scholle + Cancio	112 Rejections
1	X	X	X					
2	X	X	X					
3	X	X	X					
4	X		X					
5	X	X	X					X
6	X	X	X					
7		X						
8								
9	X	X	X				X	
10	X	X	X					
11		X	X					
12			X					
13		X	X					
14		X	X					X
15			X					X
16	X	X	X					
17	X	X	X					
18		X	X					
19		X	X					
20		X	X					
21			X					
22		X	X					
23		X	X					
24				X				
25			X	X				
26	X	X	X					
27	X	X	X					
28	X	X	X					
29	x	X	X					
30		X	X		X			
31		X	X					
32		X	X					
33		X	X		X			
34		X	X					
35		X	X					
36		X	X					
38			X					
39		X	X					
40		X	X			X		
41			X			X		
42		X	X			X		
43			X			X		
44		X	X			X		
45						X		
46						X		
47						x		
48		X	X					
49		X	X					
50			X				X	

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51			X				X	
52			X				X	
53							X	
54							X	
55		X					X	
56		X	X					
57		X	X					
58		X	X					
59			X					
60			x					